V. R.

Government Gazette,

FOR THE COLONIES OF

VANCOUVER ISLAND AND BRITISH COLUMBIA.

PUBLISHED BY AUTHORITY.

NO. 1.] VICTORIA, VANCOUVER ISLAND, SATURDAY, SEPTEMBER 10, 1859. [PRICE 6D.

SCALE OF CHARGES FOR ADVERTISING IN THE "GOVERNMENT GAZETTE."

		£	s.	d.
ONE INCH, OR UNDER,—One insertion,.....		0	5	0
" "	One month,.....	0	16	0
" "	Three months,.....	2	0	0
" "	Six months,.....	3	10	0
TWO INCHES, OR LESS,—One insertion,.....		0	8	0
" "	One month,.....	1	4	0
" "	Three months,.....	3	10	0
" "	Six months,.....	6	0	0
FOUR INCHES, OR LESS—One insertion,.....		0	15	0
" "	One month,.....	2	4	0
" "	Three months,.....	6	0	0

YEARLY SUBSCRIPTION, £1; THREE MONTHS, 6S.; SINGLE COPY, 6D.

ADVERTISEMENTS of larger dimensions, or for longer periods, as per agreement.

Advertisements in the "Business Directory," not exceeding three lines, £1 4s. per quarter.

Appointment.

COLONIAL SECRETARY'S OFFICE.

Victoria, Vancouver Island, Sept. 6th, 1859.

HIS EXCELLENCY the Governor of British Columbia, has been pleased to make the following appointment:—

PETER O'REILLY, Esquire, to be High Sheriff of British Columbia, vice Nicol, resigned.

WILLIAM A. G. YOUNG,
Acting Colonial Secretary.

Tenders.

TREASURY.

TENDERS are invited for BILLS in sums not less than £250, drawn on the LORDS COMMISSIONERS of Her Majesty's Treasury, London.

W. DRISCOLL GOSSET,
Treasurer.

September 7th, 1859.

COMMISSARIAT.

TENDERS are invited for supplying the following articles, in such quantities as may be required during the next three months at each of the places named: The prices to be stated in English currency.

At Commissariat Store, New Westminster. [All duties and carriage to be paid by the trader.]	At Victoria.

Address, with samples, duly numbered to correspond with the Tender to me at this Office.

BRITISH WEIGHTS AND MEASURES.

Tea—black,	per -	1000 lbs.
Sugar—brown,	do -	1000 lbs.
Coffee—ground,	do -	1000 lbs.
Soap—English yellow	do -	1000 lbs.
Pepper—black, ground,	do -	100 lbs.
Mustard—ground,	do -	100 lbs.
Candles—Palmer's English	do -	100 lbs.
Matches—boxes,	do -	1 gross.
Oil—lamp,	do -	100 galls.

W. DRISCOLL GOSSET,
Acting Commissary.

VANCOUVER ISLAND COLONY.

NOTICE OF PUBLIC WORKS.

Land Office, Victoria,
August 24th, 1859.

TENDERS in writing, will be received at this office, for the erection of the whole or portion of either or both of TWO LIGHTHOUSES, to be erected—one on Fisguard Rock, in Esquimalt Harbor, and the other on Race Rock. Blasting required.

Plans and Specifications at the Land Office.

The lowest or any Tender not necessarily accepted.

JOSEPH D. PEMBERTON.

Public Lands.

SALE OF PUBLIC LANDS IN NANAIMO.

VANCOUVER ISLAND COLONY,
August 18th, 1859.

ON and after Thursday, the 1st SEPTEMBER next, 30,000 acres of AGRICULTURAL and MINERAL LANDS, recently surveyed at NANAIMO, will be sold at the Land Office, Victoria, on the usual terms. If any case shall then occur of two or more persons wanting to purchase the same Land, such Land will at once be put up to competition and sold to the highest bidder.

JOSEPH D. PEMBERTON,
Colonial Surveyor.

Proclamations.

BRITISH COLUMBIA.

PROCLAMATION,

By His Excellency JAMES DOUGLAS, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia.

PROCLAMATION having the force of Law in Her Majesty's Colony of British Columbia.

To amend the Laws relating to the Licenses for Selling fermented Liquors, and for the occupation of Crown Lands by TRADERS, and for other purposes.

WHEREAS, under and by virtue of an Act of Parliament made and passed in the Session of Parliament, held in the 21st and 22d years of the Reign of Her Majesty Queen Victoria, intituled an Act to provide for the "Government of British Columbia," and by Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, JAMES DOUGLAS, have been appointed Governor of the said Colony, and have been authorized by Proclamation, under the Public Seal of the said Colony, to make Laws, Institutions, and Ordinances for the peace, order, and good government of the same.

Now, therefore, I do hereby declare, proclaim, and enact as follows, viz:—

I. The Proclamations of the 28th day of December 1857, and of the 8th day of February last, and the Regulations of the 30th day of December, 1857, and of the 13th day of July, 1858, shall, from and after the 31st day of August, 1859, cease and be of none effect, save only as to any wrongs and penalties recoverable and enforceable under the said proclamations or regulations, or any of them.

II. From and after the 31st day of August, 1859, there shall be payable and paid, by every person described in the schedule hereto, in lieu of all sums heretofore payable in respect of all or any such matters, licenses, and trades, therein specified, the sums therein respectively mentioned, and therein set opposite to the said several matters, licenses, and trades, respectively, and the said schedule shall be taken to be part of this proclamation.

III. All moneys payable under this Proclamation shall be payable in advance.

IV. This Proclamation may, on all occasions, be cited as the "Licenses Act, 1859."

Issued under the Public Seal of the said Colony, at Victoria, this Tenth day of August, One Thousand Eight Hundred and Fifty-nine, in the Twenty-third year of Her Majesty's Reign, by me,

L. S.

JAMES DOUGLAS.

By Command of His Excellency,

WILLIAM A. G. YOUNG,
Acting Colonial Secretary.

GOD SAVE THE QUEEN.

THE SCHEDULE ABOVE REFERRED TO.

By each person vending spirituous or fermented liquors, by retail, for each house or place in the Colony where such vending is carried on, if in a town.	£25 for one year.
Where such vending is carried on in a rural district, not forming part of a town.	£10 for one year.
By each person, not having a retail license as above, and vending spirituous and fermented liquors for wholesale, for each house or place in the Colony.	£10 for one year.
By every person carrying on any other trade.	£1 for every three months.

Such last-mentioned license to enable the person paying the same to change his place or abode of business at pleasure, but not to carry on business at two places, at the same time, under one license. And in case of partnerships, every partner carrying on business in the Colony, during any portion of the quarter, must take out a trading license for that quarter.

By every person occupying any Crown Lands, by making any erections thereon, and carrying on any trade upon the same, in addition to the duties above charged, and for the use of the land so occupied by him.	10s. for every month.

BRITISH COLUMBIA.

PROCLAMATION,

By His Excellency JAMES DOUGLAS, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of British Columbia, Vice-Admiral of the same, &c., &c.

PROCLAMATION having the force of Law in Her Majesty's Colony of British Columbia.

WHEREAS, under and by virtue of an Act of Parliament made and passed in the Session of Parliament held in the 21st and 22d years of the Reign of Her Majesty Queen Victoria, intituled an Act to provide for the "Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, JAMES DOUGLAS, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make Laws, Institutions and Ordinances for the peace, order, and good government of the same.

And whereas, by the "Licenses act 1859," it was declared that from and after the 31st day of August 1859, the proclamation of the 8th day of February last past, and the regulations and instructions therein mentioned and referred to, and bearing date respectively the 13th July, 1858, the 28th December, 1857, and the 30th December, 1857, should cease and be of no effect.

And whereas it is expedient to make provision for regulating the law of gold mines in British Columbia in lieu of the provisions so repealed, and for the administration of justice therein.

Now therefore, I JAMES DOUGLAS do hereby declare, proclaim and enact as follows, viz :—

Interpretation clause.

"Governor."

I. In the construction of this Proclamation the following expressions shall have the following interpretations respectively, unless there be something inconsistent or repugnant thereto in the context, (viz :)—"The Governor" shall include any person or persons for the time being lawfully exercising the authority of a governor of British Columbia.

"Gold Commissioner."

The expression "Gold Commissioner" shall include assistant Gold Commissioner and Justices of the Peace, acting as Gold Commissioners either under special authority, or the authority of this Proclamation, or any other person lawfully exercising the jurisdiction of a Gold Commissioner for the locality referred to.

"Mine."

The word "mine" shall mean any Bar or separate locality in which any vein, stratum or natural bed of auriferous earth or rock shall be mined.

"To mine."

The verb "to mine" shall include any mode or method of working whatsoever, whereby the soil or earth, or any rock may be disturbed, removed, washed, sifted, smelted, refined, crushed, or otherwise dealt with for the purpose of obtaining gold, and whether the same may have been previously disturbed or not.

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"Claim."

"Claim" shall mean in speaking of individual persons, so much of any mine as by law may belong or be alleged to belong to the individual spoken of, and in speaking of any partnership so much of any mine as may by law belong or be alleged to belong to the persons of whom the partnership shall exist, but shall not extend to a lease of auriferous land as mentioned in clause 11.

"Free Miner."

"Free Miner" shall mean a person named in and lawfully possessed of an existing valid Free Miner's certificate.

"Registered Free Miner."

"Registered Free Miner" shall mean a free miner registered as entitled in his own right to any claim, lease, of auriferous earth, ditch, or water privilege.

And words in the singular number shall include the plural, and the masculine gender shall include the feminine gender.

Gold Commissioners to be appointed by the Governor under the Public Seal.

II. It shall be lawful for His Excellency the Governor by any document under his hand and the public Seal of the Colony, from time to time to appoint such persons as he shall think proper, to be Chief Gold Commissioner or Gold Commissioners or assistant Gold Commissioners in British Columbia, either for the whole Colony or for any particular district or districts therein, and from time to time in like manner, to fix and vary the limits of such districts, and limit new districts and to revoke any such appointments and make new appointments and vary such limits and sub-divide any such districts into separate and independent districts.

Free Miner's Certificate

III. It shall be the duty of every Gold Commissioner upon payment of £1 to deliver to any person applying for the same, a certificate to be called a Free Miner's Certificate which may be in the following form:

BRITISH COLUMBIA.

FREE MINER'S CERTIFICATE.

Date, Not transferable. No.

Valid for one year.

This is to certify that A. B. of

has paid me this day the sum of One Pound Sterling, and is entitled to all the rights and privileges of a Free Miner for one year from the date hereof.

(Countersigned) A. B. (Signed) G. B.

(Signature of Free Miner) Chief Gold Commissioner, or assistant, Gold Commissioner, or Justice of the Peace, } as the case may be

To continue in force for one year.

IV. The Free Miner's Certificate shall continue in force for twelve calendar months from the date thereof, including the day of issuing the same, and no longer, and shall not be transferable or capable of conferring any rights upon any other person than the person therein named, and only one person shall be named as a Free Miner in each Certificate.

Must be countersigned by the Free Miner.

Such certificate must be countersigned by the Free Miner therein named before being produced by him for any purpose. And where such Certificate shall be issued to the Free Miner therein named in person, the Gold Commissioner or the person issuing the same shall cause the same to be countersigned by the applicant before himself signing or delivering the same.

Right to enter and mine

V. Every Free Miner shall, during the continuance of his Certificate have the right to enter without let or hindrance upon any of the waste lands of the Crown, not for the time being lawfully occupied by any other person, and to mine in the land so entered upon.

Registration of claim annually.

VI. All persons who shall at the date of this Proclamation coming into force, or previous to the 27th of October, 1859, hold any claim, ditch, or water privilege, must on or before the 1st of November, now next, and all persons who shall at any time after the 26th of October, now next, hold any claim, lease, ditch, or water privilege must within such space of time after first taking possession thereof, as shall be fixed by the rules, regulations, or by-laws for the time being in force in the place or dis trict in which such claim, lease, ditch,

or water privilege shall be situated, register the same at the office of the Gold Commissioner who shall record in a tabular form in a book or books to be kept by him, the name of the holder, the dates of his Certificate, of his taking possession, and of his recording the claim, the name of the mine, and the distinguishing number of the claim: and all such further particulars as shall from time to time be required by any valid bye-law for the place or district. And such registration shall be valid for the space of one year and no longer.

Four shillings shall be taken by the Gold Commissioner for the use of Her Majesty, Her Heirs and Successors upon every registration or re-registration of any claim. And no person, not being a Free Miner, shall be entitled to record a claim or any interest therein.

Free Miners alone recognized as having any right in claims, &c.

VII. Every Free Miner shall have during the continuance of his Certificate the exclusive right to the soil and gold in any claim for the time being duly registered and worked by him according to the regulations and bye-laws hereby authorised to be issued, and for the time being in force, in relation to the locality or district where such claim is situated.

No person shall be recognized as having any right or interest in, or to any claim or any of the gold therein unless he shall be, or in case of any disputed ownership unless he shall have been at the time of the dispute arising, a Free Miner.

Priority of right shall be recognized according to priority of registration.

VIII. In case of any dispute, the title to claims, leases of auriferous earth or rock, ditches and water privileges, will be recognized according to the priority of registration subject only to any question which may be raised as to the validity of any particular act of registration.

Records to be kept of the F. M. C. issued.

IX. Every Gold Commissioner at the time of issuing any Free Miner's Certificate shall record the paper by date, number, and name of the Free Miner named therein, and whether such Certificate was issued to such miner in person or on the application of another person, and the applicant's name, and shall on the 1st of January, 1st of April, 1st of July, and 1st of October in every year cause to be made out a revised list of all the Free Miners holding Certificates issued by himself and still in force, and also of all Free Miners registered as holding claims in his district, and shall cause to be posted up in a conspicuous place on each mine in his district, a list of the Free Miners for the time being as holding registered claims in such mine.

The Chief Gold Commissioner shall in like manner, on the 1st of January and 1st of July in every year, cause a revised list to be published of all the Free Miners in British Columbia. All such records and lists shall be open to the inspection of the public, gratis, under such reasonable regulations as to hours or otherwise, as the Gold Commissioner in each place or district may from time to time ordain.

Lost Certificates.

X. In case any Free Miner's Certificate shall be accidentally destroyed or lost, the same may, upon evidence of such loss or destruction be replaced by a new Certificate to bear the same date and to be issued and signed by the Gold Commissioner for the same district as such lost or destroyed Certificate. Every such new Certificate shall be marked "substituted for original of same date, this" day of

And until some material irregularity or impropriety be shewn, in respect thereof, every original or substituted Free Miner's Certificate shall be evidence of all the matters stated therein, or clearly implied thereby.

Leases of auriferous lands.

XI. Leases of any portions of the waste lands of the Crown may be granted for mining purposes, for such term of years, and upon such conditions as to rent, and the mode of working, and as to any water privileges connected therewith, and otherwise in each case, as shall be deemed expedient by His Excellency the Governor.

Rules and regulations to be issued under the Public Seal.

XII. In respect to any place or district wherein there shall for the time being be no Mining Board as hereinafter described, or any separate mine within such place or district, it shall be lawful for His Excellency the Governor, by writing under his hand and the Public Seal of the Colony, from time to time to make rules and regulations in the nature of by-laws, concerning all matters relating to claims and ditch and water privileges, and

cases of the auriferous lands in the Colony in larger quantities than the claims herein mentioned or referred to, and for the registration thereof so far as such matters are not herein defined and set forth.

And also, from time to time in like manner to annul, repeal, or alter any existing rule, regulation, or by-law; and to make new rules, regulations, and by-laws in reference to all or any of such matters. And all such rules, regulations and by-laws shall continue in force until repealed by the Governor by some writing under the Public Seal of the Colony, or by some valid by-law established by the Gold Commissioner and Mining Board of some district under the provisions hereinafter contained.

Gold escort and deposit.

XIII. It shall be lawful for His Excellency the Governor by a notification under the Public Seal of the Colony to make provisions for the Custody and Carriage of Gold at and from and between such points as may be thought proper, and to establish such rates of charge for the Carriage and Custody of Gold as shall be deemed expedient, and in like manner to change and alter any or all of such provisions and charges.

Custody to be on the same footing as post office letters.

XIV. The Custody and care of all deposits, whether for Custody or transport so undertaken by or on behalf of the Government, shall be under the like responsibility as that under which letters are received and carried by the Post Office. And in case of any loss or dispute concerning any such deposit the property in the same may in any proceedings or suits, or actions at law, be stated as being in the Colonial Treasurer for the time being. And all clerks and persons employed by or on behalf of the Government, or acting in the capacity of being so employed in reference to any such deposit, shall in case of neglect or misfeasance, be liable in the same manner as if they had been clerks or acting as clerks in the Post Office, mutatis mutandis.

Jurisdiction of Gold Commissioners.

XV. And as to the power and jurisdiction of and proceedings before a Gold Commissioner, I do hereby enact, proclaim, and declare, as follows, (viz:)—

Every Gold Commissioner shall have and exercise during his term of office, all the authority and jurisdiction of a Justice of the Peace for British Columbia, in addition to his proper authority as Gold Commissioner. Any claim, mine, ditch, or water privilege situate as to part thereof, within the express limits of same Gold Commissioner's jurisdiction, and as to other part thereof not within the express limits of any Gold Commissioner's jurisdiction, shall be deemed to be wholly within the jurisdiction within which any part of such claim, mine, ditch, or water privilege shall be situated. In the case of any claim, mine, ditch, or water privilege, situate at more than a distance of ten miles from the office of any Gold Commissioner, any Justice of the Peace for British Columbia, although not otherwise or specially empowered to act as a Gold Commissioner, is hereby authorized, or as the case may be, required to do any act herein authorized or required to be done by a Gold Commissioner.

And wherever the ditch or other property in respect whereof any question may arise, shall be situated partly in one district and partly in another, or when it shall be doubtful within whose jurisdiction the same or any part thereof shall be totally situated, any Gold Commissioner in the neighbourhood before whom the complaint or matter shall be first brought shall have jurisdiction. In every case in which a Justice of the Peace not being also a Gold Commissioner, shall act as a Gold Commissioner under this clause he shall with all convenient speed communicate the particulars of his acting to the Chief Gold Commissioner, and if there shall be no Chief Gold Commissioner, then to the nearest Gold Commissioner.

All Mining disputes may be decided by the Gold Commissioner without limit in value.

XVI. All disputes relating to the title to any mine or claim, or to any part of the proceeds thereof, or relating to any ditch or water privilege, or to any contract for labor to be done in respect of a ditch or water privilege, mine, or claim, or relating to the mode of carrying on the same, or any of them, and all disputes concerning partnerships in any mine or claim may be investigated, in the first instance before the Gold Commissioner, having juris-

diction as aforesaid, without any limit to the value of the property or subject matter involved in such dispute.

Except in cases of partnerships.

XVII. Provided always that no Gold Commissioner shall have jurisdiction in civil disputes between partners, unless it shall, in the first place, be shown to his satisfaction that the joint stock of the partnership is under the value of £200.

Appeal to the Supreme Court in B. C. in criminal and summary cases

XVIII. Any person convicted under this proclamation of any offence against the same or any by-law, rule, or regulation, hereby authorized and sentenced to any term of imprisonment beyond thirty days, or to pay any fine beyond £20, over and above the costs of summary conviction may appeal to the next assizes to be holden for the district or place wherein the cause of complaint shall have arisen, provided that such person, at the time of such conviction, or within forty-eight hours thereafter enter into recognizance with two sufficient sureties, conditioned personally to appear at the said assizes to try such appeal, and to abide the further judgment of the Court at such assizes, and to pay such costs as shall be by such last-mentioned Court awarded. And the convicting Gold Commissioner may bind over any witnesses or informant, under sufficient recognizances, to attend and give evidence at the hearing of such appeal, and the costs of such witnesses shall be allowed and paid by the Colonial Treasurer in the first instance, and, if such appeal be dismissed, shall be repaid to the Colonial Treasurer by the appellant.

No merely formal objections allowed.

XIX. On any such appeal, no objection shall be allowed to the conviction on any matter of form or insufficiency of statement, provided it shall appear to the said Supreme Court that the defendant has been sufficiently informed of the charge to be made against him, and that the conviction was proper on the merits of the case.

Appeal in civil cases over £20.

XX. If either party, in any civil cause where the subject matter in dispute is more than £20, shall be dissatisfied with the determination, he may appeal from the same to the Supreme Court of Civil Justice in British Columbia, provided that the appealing party shall, within four days of the determination appealed from, give notice of such appeal to the other party, and also give security, to be approved by the Gold Commissioner, for the costs of the appeal, and also for the amount payable by the appealing party under the judgment appealed against. And the said Court of Appeal may either order a new trial on such terms as it shall think fit, or order judgment to be entered for either party, or try the cause de novo, and may make such order as to the costs of the appeal as such Court shall think proper, and such appeal may be in the form of a case settled and signed by the parties or their attorneys, and if they cannot agree, the said Gold Commissioner may settle and sign the same upon being applied to by the parties or their attorneys.

Cases under £50 may be referred to the Gold Commissioner.

XXI. In any case of any cause relating to a mine, claim, or ditch, being brought in the first instance before the Supreme Court of Civil Justice of British Columbia, wherein the sum of damages sought to be recovered shall be less than £50, it shall be lawful for the Court after issue joined, to direct the cause to be tried before any Gold Commissioner whom the Court shall name, and upon such terms as the Court shall think fit.

Gold Commissioner to be judge of law and fact.

XXII. The Gold Commissioner alone without a jury shall be the sole judge of law and fact.

Power to summon witnesses.

XXIII. The Gold Commissioner shall have the power to cause such parties and witnesses as he shall think proper to attend on any proceedings before him, and to compel the production of documents on any such proceedings.

Forms of proceedings costs, &c.

XXIV. The Judge of the Supreme Court of Civil Justice shall, with the advice and consent of the Chief Gold Commissioner or of any two Gold Commissioners, have the power, from time to time to make, repeal, and alter such rules and regulations for the conduct of the business before the Gold Commissioners for the times of proceeding, and also such lists of costs of proceedings as he shall think fit. Provided always that all such rules, regulations, and lists of costs shall, within one calendar month from the making thereof, be laid before His Excellency the Governor.

And it shall not be necessary for the Gold Commissioner, in any proceedings before him, to follow any set forms, provided that the substance of the things done and to be done be therein expressed; nor shall any proceedings before any Gold Commissioner be liable to be set aside for any want of form so long as matters of substance have not been omitted.

Jurisdiction as to Mining partnerships.

XXV. It shall be lawful for a Gold Commissioner in case of any dispute between partners in any claim, ditch, mine, or water privilege, where the joint or partnership stock shall be shown not to exceed the value of £200, but not in other cases, to decree a dissolution of partnership and a sale or valuation or division of the partnership stock, and to direct the partnership account to be taken before himself, and declare what amount, if any, is due on the whole account by one partner to another, and generally to make such order and give such directions therein as he shall think fit, and to take such steps (if any) as he may deem expedient in the way of taking security, or appointing a Receiver or otherwise for securing the partnership property in the meantime.

Summary power to abate encroachments, &c.

XXVI. It shall be lawful for any Gold Commissioner, upon complaint made of any wrongful encroachment on a claim, mine, ditch, or water privilege, and deposit made of £2 in his hands by the complainant, to proceed forthwith to the place at which such alleged encroachment has been made, and there and then to demand the like sum of £2 from the party complained of, and thereafter, on view of the premises, and on such evidence as to such Gold Commissioner shall seem sufficient to hear and determine the dispute in a summary way, and whether all parties in difference shall appear or not, and in a summary way to cause such encroachment to be abated, and to restore to the person who shall appear to be entitled thereto, full possession of the claim, ditch, or other matter encroached upon, or alleged so to be, and also all gold or other property (if any) which may have been unlawfully taken or removed. And also to award such damages as the nature of the case shall seem to require. And if each party shall have deposited the said sum of £2, he shall restore the said sum of £2 to the party whom he shall judge to have been in the right, and retain the other £2 as and for costs of Court, and if either party make default in appearance the Gold Commissioner may make such order as to costs as shall seem to him proper.

Costs.

Provided always, that it shall be lawful for the Gold Commissioner, if in his discretion the matter shall not be made clear for a final determination, to take such steps as he shall then think necessary for the preservation of the matter in dispute, and to adjourn the final decision of the case until such time as he shall think proper.

Gardens, &c., for Free Miners, not more than five acres.

XXVII. It shall be lawful for the Gold Commissioner to mark out for the use of any Registered Free Miner in his district, a space of land not exceeding five acres to be occupied as garden ground or for a residence. The right conferred by such occupation shall only endure so long as the occupier shall be a Registered Free Miner of the district, and for such further period as shall be requisite for the enjoyment of any crop standing thereon at the period when he shall cease to be a Registered Free Miner.

And for attending and marking out such land, whatever be the size, the Gold Commissioner shall be entitled to demand the sum of ten shillings for the use of Her Majesty, Her Heirs and Successors.

Plots for traders—not more than one acre.

XXVIII. It shall be lawful for the Gold Commissioner to mark out for the use of any person intending to carry on temporarily any trade on or near a mine, a plot, or plots of waste Crown land convenient for that purpose, and also for garden purposes, not being larger than one acre. There shall be thereby conferred enjoyment for so long as such trader shall pay all license duties in respect thereof, and also the right to any crop standing thereon at the last payment of license duties.

Provided always, that the land on or near any mine so marked out for any of the purposes mentioned in this or the last section, shall always be resumable by the Crown and applicable to general mining purposes on six month's notice thereof being given by the Gold Commissioner to any occupier thereof.

Mining Boards.

And as to Mining Boards I do enact, proclaim, and declare as follows, (viz:)

Constitution of

XXIX. Upon petition signed by not less than one hundred and one Registered Free Miners in any district, having been on the Register of such district for at least three months previous to signing such petition, and holding bona-fide claims not abandoned nor forfeited, and upon a certificate from the Gold Commissioner of such district testifying to the number and good faith of the petitioners, it shall be lawful for His Excellency the Governor by a notification under his hand and seal, to direct the Gold Commissioner acting in and for such district, to constitute therein a local board to be called the Mining Board in the manner and with the powers hereinafter expressed.

Six to twelve members according to the number of Registered Free Miners.

XXX. The Mining Board shall consist of not less than six nor more than twelve of the general body of the voters of such district, according to the following scale, viz :—If there shall be not more than one hundred and fifty voters, then the Mining Board shall consist of six members. And for every complete number of fifty voters beyond the first one hundred and one, the Mining Board shall comprise one additional member, but not so as to consist of more than twelve members.

Voter's qualification.

The members shall be elected by the votes of the Registered Free Miners of the district who shall have been on the Register during three months at the least, previous to the election, each voter to have as many votes and no more, as there are members of the Board to be elected or vacancies to be filled up which he may distribute among the Candidates as he may think fit.

Gold Commissioner to be returning officer, &c.

XXXI. The votes of the electors shall be given by word of mouth and in person by the voter. The Gold Commissioner of the district shall be the receiver and examiner of votes, and the returning officer: And the first election shall take place on such day as His Excellency the Governor may appoint.

The Mining Board shall meet together at such intervals as shall be appointed by the Gold Commissioner, and it shall be competent for three or more members meeting together to proceed to the dispatch of business.

Vacancy of membership.

XXXII. If any member shall cease to be a Registered Free Miner in the district or shall be convicted of any misdemeanor or felony, or of any assault, being armed with a lethal weapon, or of any wilful and malicious contravention of this Act or of any by-law in force in the district, he shall ipso facto vacate his seat in each case, and not be re-eligible save that a member vacating his seat only by reason of ceasing to be a Registered Free Miner shall be again eligible at any time upon his again becoming entitled to vote.

Three to retire annually.

Three members of the Board, or so many members as together with the vacancies caused as aforesaid, shall make up three members shall retire annually, by lot, or agreement, or seniority. Retiring members shall be immediately re-eligible.

Elections to take place in January.

XXXIII. All vacancies in the Board shall be supplied and the full number of members for the time being, due to the district according to the tariff aforesaid, shall be made up at a general election to take place on such day in the month of January in each year, as His Excellency the Governor shall from time to time by notice under the Public Seal of the Colony, direct.

Power to make by-laws, &c., which must be approved by the Governor.

XXXIV. The Mining Board shall, subject to the provisions hereof, have power by resolution, to make by-laws, and also from time to time to alter and repeal any existing by-laws for regulating the size of claims and sluices, the mode in which claims may be registered, worked, held and forfeited, and all other matters relating to mining matters in their district; Provided that no such new by-law, repeal, or alteration shall be of any force unless and until it shall have been approved of by His Excellency the Governor.

Evidence.

Provided further that every such by-law, repeal, or alteration, being duly made and approved, and not being contrary to the Statute or common law, and not being contrary to natural equity, shall be admitted in all Courts of British Columbia as a good local law and a copy thereof extracted from the by-laws and purporting to be signed by the Gold Commissioner of the district shall be good evidence thereof, and that the same have been lawfully made and were in full force at the time in such copy or extract in that behalf specified.

Majorities.

XXXV. Any resolution of such Mining Board and Gold Commissioner may be passed by

a bare majority of the members of such Board if the Gold Commissioner shall consent thereto, or by two-thirds of the members of such Board if the Gold Commissioner shall not consent thereto. The Gold Commissioner shall within seven days of the passing of any resolution concerning any by-law or general regulation which he shall on any grounds deem expedient to lay before His Excellency the Governor, make and send to His Excellency a fair copy thereof signed by such Gold Commissioner with his opinion thereon.

Mode of conducting proceedings.

XXXVI. The votes on all resolutions of the Mining Board shall be given by the members personally, and by word of mouth.

All questions of order and of the time and manner of conducting the business at such Mining Board, and of the times and places of meeting after the first meeting thereof, and of the propriety of elections and qualifications and disqualifications of members subject hereto, may be decided by the Gold Commissioner, either from time to time as any question shall arise, or by any fixed rules and orders as may be thought advisable, and which such Gold Commissioner is hereby authorized to make by writing under his hand and Seal.

Power to the Governor to dissolve any Mining Board.

XXXVII It shall be lawful for His Excellency the Governor by an order under the Public Seal of the Colony, at any time to declare the Mining Board in any district dissolved, as from a day to be named in such order, and if no day be therein named in that behalf, then as from the date of such order. And from and immediately after such dissolution, the power to make and repeal by-laws, rules, and regulations, shall immediately be vested in the Governor the same manner as if such Mining Board had never been constituted.

Interim acts to continue notwithstanding dissolution.

Provided always, that notwithstanding any such dissolution, all by-laws and working rules and regulations (if any), and all other acts (if any), made, done, and established in the meantime, under the authority of this Proclamation, shall be valid until the same be altered or repealed by the Governor by some order under the Public Seal of the Colony.

Irregularities not to affect such acts.

XXXVIII. The Acts of any Mining Board previous to such dissolution, if sanctioned as aforesaid, shall be valid notwithstanding any informality or irregularity in the mode of election, or of meeting of such Mining Board, or in the passing of any of such Acts.

Certain offences.

XXXIX. Any person who shall wilfully and maliciously damage or destroy any Free Miner's Certificate, or fraudulently fill up, or post date, or alter any name or date or other particular in a Free Miner's Certificate, or in any document purporting to be a Free Miner's Certificate or who shall falsely pretend that he is the person named in any such Certificate or document, or who shall wilfully and maliciously damage, destroy, or falsify any of the records and registers hereby directed to be kept shall be guilty of felony, and being duly convicted thereof shall be liable, at the discretion of the Court, to penal servitude for not more than ten years.

Felony.

Summary power in cases of disobedience.

XL. Any person wilfully or unlawfully acting in contravention of this Act, or of any by-law, rule, or regulation to be established by virtue of this Act, or refusing to obey any lawful order of the Gold Commissioner, shall, on being summarily convicted, before any Justice of the Peace or Gold Commissioner, be liable to a fine not exceeding £50, or to an imprisonment not exceeding three months.

Short title.

XLI. This Proclamation may in any proceedings be referred to as the "Gold Fields Act, 1859."

Commencement of Act

XLII. This Proclamation shall come into force as to Queen Charlotte's Island on the 1st of January, 1860, and as to the rest of British Columbia, on the 1st of September, 1859.

Issued under the Public Seal of the Colony of British Columbia, at Victoria, Vancouver's Island, this thirty-first day of August, in the year of our Lord one thousand eight hundred and fifty-nine, in the twenty-third year of Her Majesty's Reign, by me,

JAMES DOUGLAS, [L.S.]

By Command of His Excellency,

WILLIAM A. G. YOUNG,
Acting Colonial Secretary.

GOD SAVE THE QUEEN.

RULES AND REGULATIONS

FOR THE

WORKING OF MINES.

Issued in conformity with the Gold Fields Act, 1859.

WHEREAS, it is provided by the Gold Fields Act, 1859, that the Governor for the time being, of British Columbia, may, by writing under his hand and the Public Seal of the Colony, make Rules and Regulations in the nature of by-laws, for all matters relating to Mining. Now, therefore, I JAMES DOUGLAS, Governor, &c., do hereby make the follow-Rules and Regulations, accordingly:—

I. In the construction of the following Rules and Regulations, unless there be some contrariety, or repugnancy thereto in the context, the words "Governor," "Gold Commissioner," "Mine," "to mine," shall have the same meanings as in the Gold Fields Act, 1859. The expression "Bar diggings" shall mean every mine over which a river extends when in its most flooded state. "Dry diggings" shall mean any mine over which a river never extends. "Ravines" shall include water courses whether usually containing water or usually dry. "Ditch" shall include a flume or race, or other artificial means for conducting water by its own weight into or upon a mine. "Ditch head" shall mean the point in a natural water course or lake, where water is first taken into a ditch. And words in the singular number shall include the plural, and the masculine gender shall include the feminine.

II. All claims are to be as nearly as may be, in rectangular forms, and marked by four pegs at the least, each peg to be four inches square at the least, and one foot above the surface, and firmly fixed in the ground. No boundary peg shall be concealed or moved, or injured, without the previous permission of the Gold Commissioner.

III. The size of a claim, when not otherwise established by a by-law, shall be, for bar diggings, a strip of land twenty-five feet wide at the mark to which the river rises when flooded, and thence extending down direct into the river indefinitely. For dry diggings, a space twenty-five feet by thirty feet. For ravine diggings, a space of twenty-five feet along the bank of the ravine and extending up to the top of each bank. In quartz claims the size, when not otherwise established by by-law, shall be one hundred feet in length, measured along the vein or seam, with power to the miner to follow the vein or seam and its spurs, dips, and angles, any where on or below the surface included between the two extremities of such length of one hundred feet, but not to advance upon or beneath the surface of the earth more than one hundred feet in a lateral direction from the main vein or seam, along which the claim is to be measured. All measurements of area are to be made on the surface of the earth, neglecting inequalities. Every claim is to have a distinguishing number marked on its boundary pegs.

IV. If any Free Miners, or party of Free Miners, shall discover a new mine, and such discovery shall be established to the satisfaction of the Gold Commissioner, the first discoverer or party of discoverers, if not more than two in number, shall be entitled to a claim double the established size of claims in the nearest mine of the same description, (i.e. dry, bar, or quartz diggings.) If such party consist of three men, they shall collectively be entitled to five claims of the established size, on such nearest mine, and if of four or more men, such party shall be entitled to a claim and a half per man. A new stratum of auriferous earth or rock, situate in a locality where the claims are abandoned, shall for this purpose be deemed a new mine, although the same locality shall previously have been worked at a different level. And dry diggings discovered in the neighbourhood of bar diggings shall be deemed a new mine, and vice versa.

V. The registration of claims shall be in such manner and form as the Gold Commissioner shall in any locality direct, and shall include, besides the matters mentioned in the Gold Fields Act of 1859, all such other matters as the Gold Commissioner shall think fit to include.

VI. No transfer of any claim or of any interest therein, shall be enforceable, unless the same, or some memorandum thereof, shall be in writing, signed by the party sought to be charged, or by his lawfully authorized agent, and registered with the Gold Commissioner.

VII. Any person desiring any exclusive ditch or water privilege, shall make application to the Gold Commissioner having jurisdiction for the place where the same shall be situated, stating for the guidance of the Commissioner in estimating the character of the application, the name of every applicant, the proposed ditch head, and quantity of water, the proposed locality of distribution, and if such water shall be for sale, the price at which it is proposed to sell the same, the general nature of the work to be done, and the time within which such work shall be complete; and the Gold Commissioner shall enter a note of all such matters as of record.

VIII. Unless otherwise specially arranged, the rent to be paid for any water privilege shall be in each month one average day's receipts, from the sale thereof, to be estimated by the Gold Commissioner with the assistance, if he shall so think fit, of a jury.

IX. If any person shall refuse or neglect to take within the time mentioned in his application, or within such further time (if any) as the Gold Commissioner may, in his discretion, think fit to grant for the completion of the ditch the whole of the water applied for, he shall, at the end of the time mentioned in his application, be deemed entitled only to the quantity actually taken by him, and the Gold Commissioner shall make such entry in the register as shall be proper to mark such alteration in the quantity, and may grant the surplus to any other person according to the rules herein laid down for the granting of water privileges.

X. Every owner of a ditch or water privilege shall be bound to take all reasonable means for utilizing the water granted to and taken by him. And if any such owner shall wilfully take and waste any unreasonable quantity of water, he shall be charged with the full rent as if he had sold the same at a full price. And it shall be lawful for the Gold Commissioner, if such offence be persisted in, to declare all rights to the water forfeited.

XI. It shall be lawful for the owner of any ditch or water privilege to sell and distribute the water conveyed by him to such persons, and on such terms as they may deem advisable, within the limits mentioned in their application. Provided always that the owner of any ditch or water privilege shall be bound to supply water to all applicants, being Free Miners, in a fair proportion, and shall not demand more from one person than from another, except when the difficulty of supply is enhanced. Provided further, that no person, not being a Free Miner, shall be entitled to demand to be supplied with water at all.

XII. A claim on any mine shall, until otherwise ordered by some valid by-law, be deemed to be abandoned, and open to the occupation of any Free Miner, when the same shall have remained unworked by some registered holder thereof for the space of seventy-two hours, unless in case of sickness, or unless before the expiry of such seventy-two hours, a further extension of time be granted by the Gold Commissioner, who may grant further time for enabling parties to go prospecting, or for such other reasonable cause as he may think proper. Sundays, and such holidays as the Gold Commissioner may think fit to pro-

claim, are to be omitted in reckoning the time of non-working.

XIII. Whenever it shall be intended, in forming or upholding any ditch, to enter upon and to occupy any part of a registered claim, or to dig or loosen any earth or rock within [4] feet of any ditch not belonging solely to the registered owner of such claim, three days' notice, in writing, of such intention, shall be given, before entering or approaching within four feet of such other property.

XIV. If the owner of the property about to be so entered upon or approached shall consider three days' notice insufficient for taking proper measures of precaution, or if any dispute shall arise between the parties as to the proper precautionary measures to be taken, or in any other respect, the whole matter shall be immediately referred to the Gold Commissioner acting in the district, who shall order such interval of time to be observed before entry, or make such other order as he shall deem proper.

XV. In quartz claims and reefs each successive claimant shall leave three feet unworked to form a boundary wall between his claim and that of the last previous claimant, and shall stake off his claim accordingly, not commencing at the boundary peg of the last previous claim, but three feet further on; and if any person shall stake out his claim, disregarding this rule, the Gold Commissioner shall have power to come and remove the first boundary peg of such wrong-doer three feet further on, notwithstanding that other claims may then be properly staked out beyond him: so that such wrong-doer shall then have but ninety-seven feet. And if such wrong-doer shall have commenced work immediately at the boundary peg of the last previous claim, the Gold Commissioner may remove his boundary six feet further on than the open work of such wrong-doer; and all such open work, and also the next three feet of such space of six feet shall belong to and form part of the last previous claim, and the residue of such space of six feet shall be left as a boundary wall.

XVI. Every such boundary wall shall be deemed the joint property of the owners of the two claims between which it stands, and may not be worked or injured, save by the consent of both such owners.

XVII. In staking out plots of land for Free Miners and traders for gardening and residential purposes, under the powers in the said Gold Fields Act, 1859, contained, the Gold Commissioner is to keep in view the general interests of all the miners in that locality, the general principle being that every garden benefits indirectly the whole locality, and also that the earlier application is to be preferred; but where the eligible spots of land are few, or of scanty dimensions, and especially where they are themselves auriferous, it may be injudicious that the whole or the greater part should fall into the hands of one or two persons; and therefore, in such cases, the Gold Commissioner may, in the exercise of his discretion, allot small plots only to each applicant.

XVIII. Any person desiring to acquire any water privilege shall be bound to respect the rights of parties using the same water, at a point below the place where the person desiring such new privilege intends to use it.

XIX. Any person desiring to bridge across any stream or claim or other place for any purpose or to mine under or through any ditch or flume, or to carry water through or over any land already occupied by any other person may be enabled to do so in proper cases, with the sanction of the Gold Commissioner. In all such cases the right of the party first in possession whether of the mine or of the water privilege is to prevail, so as to entitle him to full compensation and indemnity. But wherever due compensation by indemnity can be given, and is required, the Gold Commissioner may sanction the execution of such new work on such terms as he shall think reasonable.

AS TO LEASES IN LARGER PROPORTIONS THAN CLAIMS.

XX. Applications for leases are to be sent in triplicate to the Gold Commissioner having jurisdiction for the locality where the land desired to be taken is situated. Every such application shall contain the name and additions of the applicant at full length, and the names and addresses of two persons residing in the Colony of British Columbia, or Vancouver Island, to whom the applicant is personally known. Also, a description accompanied by a map of the land proposed to be taken.

XXI. Leases will not be granted in general for a longer term than ten years, or for a larger space than ten acres of alluvial soil (dry diggings), or half a mile in length of unworked quartz reef, or a mile and a half in length of quartz, that shall have been attempted and abandoned by individual claim workers, with liberty to follow the spurs, dips, and angles, on and within the surface, for two hundred feet on each side of the main lead or seam, or, in bar diggings, half a mile in length (if unworked), along the high water mark, or a mile and a half in length along high water mark, where the same shall have been attempted and abandoned by individual claim workers.

XXII. Leases as above, will not in general be granted of any land, alluvium, or quartz, which shall be considered to be immediately available for being worked by Free Miners, as holders of individual claims. Nor will such a lease in any case be granted, where individual Free Miners are in previous actual occupation of any part of the premises unless by their consent.

XXIII. Every such lease shall contain all reasonable provisions for securing to the public rights of way and water, save in so far as shall be necessary for the miner-like working of the premises thereby demised, and also for preventing damage to the persons or property of other parties than the lessee. And the premises thereby demised shall be granted for mining purposes only, and it shall not be competent for the lessee to assign or sub-let the same, or any part or parts thereof without the previous license in writing of the Gold Commissioner. And every such lease shall contain a covenant by the lessee to mine the said premises in a miner-like way, and also, if it shall be thought fit, to perform the works therein defined within a time therein limited. And also a clause by virtue whereof the said lease and the demise therein contained may be avoided in case the lessee shall refuse or neglect to observe and perform all or any of the covenants therein contained.

XXIV. Every applicant for a lease, shall at the time of sending in his application, mark out the ground comprised in the application, by square posts firmly fixed in the boundaries of the land, and four feet above the surface, with a notice thereon that such land has been applied for, stating when and by whom, and shall also fix upon a similar post at each of the nearest places on which miners are at work, a copy of such notice

XXV. Objections to the granting of any such lease shall be made in writing, addressed to His Excellency the Governor, under cover to the Gold Commissioner, who shall forward all such objections, together with his Report thereon.

XXVI. Every application for a lease shall be accompanied by a deposit of twenty-five pounds sterling, which shall be refunded in case the application shall be refused by the Government, and if the application shall be entertained, then such sum of twenty-five pounds, shall be retained for the use of Her Majesty her heirs and successors, whether the application be afterwards abandoned or not.

Issued under the Public Seal of the Colony of British Columbia, at Victoria, Vancouver Island, this seventh day of September, in the year of our Lord one thousand eight hundred and fifty-nine, and